





contact, as the dream went, with a lamp-post, which turned out to be nothing more than rolling over with my nose upon the rock that had pillow'd me. I heard a voice with my waking ears. "Holloa, old boy, it's uneasy ye seem entirely; p'raps its the cramps that's botherin' ye." "Oh! no," replied I. "Thank Heaven, 't's only a dream, and may be prevented yet, for though the Russian don't come, somebody else may; and of I went."

## FAT, BUT NOT SLEEPY.

**EQUITY BUSINESS IN VICTORIA.** The following is a copy of a Memorial to the Judges of the Supreme Court of Victoria relative to the appointment of a Primary Judge in Equity, which has been got up by attorneys of that Court. It is stated that a similar petition from the bankers and merchants was in preparation.

To His Honour the Chief Justice and their Honors the other Judges of the Supreme Court of the Colony of Victoria.

The Memorial of the undersigned Attorneys and Solicitors of the said Court,

Shwartz.—

That your memorialists are desirous of expressing to your Honors their conviction that the time is necessary of a fourth Judge of the Supreme Court, at whom the Equity and Insolvency business in the first instance may be committed, under the title of Primary Judge in Equity, such other title as may be thought proper.

That the present number of Judges is manifestly inadequate to the due administration of justice in the Colony of Victoria, it is requested that the Colony of New South Wales, with only one third part of the business of the Supreme Court of this Colony has for some years past required and had three Judges presiding in its Supreme Court, one of which discharged the duty of Primary Judge in Equity.

That notwithstanding the extraordinary exertions made by their Honors the Judges presiding in the Supreme Court of this Colony, during the last eighteen months, to dispel the vast increase of business in its several branches, dissatisfaction has prevailed as to the progress made, the delay almost amounting to a denial of justice in every proceeding of the Court connected with its equity jurisdiction.

That unless the parties had consented to the suggestion of one of the Honors taking evidence in Equity cases, in place of the Judge himself, as prescribed by the Rules of Court, not a single equity case would have been ready for hearing since last October, and even with this assistance decrees have been pronounced in three cases, only in any way contested since December last, whilst the hearing of motions for injunction, and of dissolving the same has been suspended for want of a court not as of common right, which ought not to be delayed.

That whilst on the one hand the Court has been unable to dispose of causes and other original masters in equity, the whole of the existing business in the office of the Master in Equity, has been suspended, by the extraordinary increase of insolvency business, which is of itself sufficient to occupy the whole undivided attention of one officer.

That the time has come for a Primary Judge in Equity, the following important offices, amongst others, would be immediately secured.

An efficient Court for the ready despatch of all Equity business, including the taking of evidence and applications for orders of sequestration; relieving the office of the Master in Equity in all cases where possible.

A Court of Appeal from the Insolvent Commissioner in all matters in which appeal is given.

A tribunal for the examination of parties to deeds of assignment under the 7th Vict., cap. 19, now decided to be imperative upon a Judge of the Supreme Court, on the petition of the requisite number of creditors.

Relieving the Judges of the Supreme Court of some of their varied duties, the establishment of an efficient Court of Vice-Admiralty, as proposed to the full court in Equity cases, and afford more opportunities and leisure to their Honors for consultations in reference to deferred judgments and other important matters.

That the fees received in the different offices of the Supreme Court during the first three months of the present year (being the least busy quarter) appear to be as follows:—

Supreme Court Office..... 2072 5 11  
Sheriffs', Melbourne..... 2015 4 6  
Insolvent Court and Master's  
Office..... 12105 8 4

Showing that the tax upon the masters, provides a revenue exceeding £26,000 per annum, being several thousand pounds in excess of the estimated expenditure of the department of Justice, and including in the same departments a portion of the charges attending the trial of criminals, which are thus made a charge upon the masters on the civil side of the court.

Your memorialists therefore, request that their Honors will take the foregoing matters into consideration, and represent their views to his Excellency, &c.

## PROBABLE EFFECTS OF "PEACE AT ALMOST ANY SACRIFICE."

(From the Times, 9th May.)

There seems to have grown up among our public men a most unreasonable, and to us most unaccountable, desire for peace at almost any sacrifice. Those who last year could speak of nothing but humiliating Russia, circumscribing her dominion, reducing her power, and capturing her strongholds, of opening the Danube and the Dardanelles, and driving her from her Trans-Caucasian provinces, and who took infinite credit to themselves for not immediately unfurling against her the flag of every nationality she has extinguished, are now content with little more than the *status quo ante bellum*, and only seek for a nominal limitation of the Russian fleet in the Euxine, in order to colour, by some apparent concession, their real disgrace and tergiversation.

The arguments by which this recreant policy is advocated in cabinets and coteries are as yet little familiar to the public; but we believe that they are pretty nearly the following:—First, it is said that all restrictive terms of peace with Russia are useless, since while England and France are united they are already able to enforce moderation, and when they cease to be united all stipulations of this nature will lose their cogency. Then it is said we are putting everything on the risk of the life of a single man; and, lastly, that Russia is inaccessible by sea, and that we, owing to the break-down of our military system, are incapable of assaulting her by land. At the bottom of all this there may probably also lurk a secret conviction that the duration of the war is encouraging a spirit of inquiry, and leading to results unfavourable to that predominance which our governing clique now where asserts so completely as in the management of the army. The first of these arguments seems to suppose, and indeed requires, as a condition of its validity, that the force of England and France should not be diminished, nor that of Russia increased by the conclusion of a dishonourable peace, unless this is so it seems idle to expect that Powers which admit themselves utterly unable to coerce Russia, will be able to do so hereafter. But will England and France, after the conclusion of a dishonourable peace, be no weaker, or will Russia be no stronger? Reputation is no trivial element in success. There is not a petty Court in Germany, or indeed in Europe, where the praise of the Emperor will not be sung, and his triumph over his vaunting enemies will not be celebrated by sycophantic kings and pensioned nobles. The King of Prussia will become his vice-roy, Sweden and Denmark will surrender in despair the last hope of independent existence, and Austria, exhausted by the expenses of an arm'd neutrality more costly than war itself, will seek only to appear by the humbliest submission the anger she has excited. Of the position of Turkey in such a case we need hardly speak. Her resources are utterly exhausted, her national spirit is gone, her councillors are vain, and her councils divided. The continuance of the war and the presence of large

armies from the West have shaken to pieces her old system without providing her with a new one, and the allies cannot but leave her infinitely weaker than they found her. Having then, as we have shown, weakened Turkey and strengthened Russia, we should retire from the contest with the absolute certainty that which we took up arms in 1854 to prevent. Nor could it be a matter of indifference to us that in the opinion of Asia, as well as of Europe, Russia, would have established her decisive superiority over the Powers of the West. There is not a tent on the steppes of independent Tartary, not a hut that clings to the precipices of the Himalaya, not a village in China, India, or Persia, in which would not be told the tale of the races that forgot Genghis in Timur, and Timur in Nadir, would baffle before the spell of a fierce race than the conquerors of Hindostan. Meanwhile, how would it fare at home? The armies of England and France would return crowned with bloody and barren laurels, victorious in battles but vanquished in the fortunes of the whole war, un-satisfied with themselves, and little disposed to do justice to each other. Those bitter recriminations which success never fails to provoke would certainly break forth, and the embers of old jealousies and heartburnings would certainly be once more fanned into a glow. Thus would be created in either country a feeling inimical to the other, and that cordial alliance, which may well be considered an ample indemnification for the dangers and sacrifices of the war, would run the most imminent risk of extinction amidst the repinings of peace. Nor can we conceal from ourselves that, whatever be the risk to which the recent attempt on the life of the Emperor warns us we are exposed in relying so much on the precarious existence of a single man, that risk would be fearfully increased by a peace which should give the discontented factions of France the opportunity of suggesting to a nation sensitive above all things of military honour that the second empire had tarnished by an ill-conducted war and an ignominious treaty the martial splendours of the first. The steel of the assassin might still glaze aside, but there would remain the risk of the rising of that turbulent population which no ruler of France since the days of Louis XVI. has been able wholly to tame and to subdue. Suppose a change of dynasty, and how great the probability that the first act of the new power would be to direct popular feeling once more into the well worn channel of ancient rivalry with England! If we escape this danger how long will such a peace last? We must either be content to see province after province left behind the ever-advancing frontier of Russia, or once more, with diminished character, with impaired confidence in ourselves, and with feebler alliances prepare to confront an enemy emboldened by success, and instructed alike in his weakness and strength by the results of the former struggle.

We have suffered in the present war no disasters which we may not trace to the improvidence of our councils and the corruption of our system. It is absolutely necessary that the country should be placed in a state of defence, that obsolete routine should be swept away, and that an organization of thorough and business-like efficiency should take its place. For these purposes we need the unrelenting stimulus of war. We cannot and ought not to trust ourselves to repair in peace those evils that war has disclosed. Too many persons are interested in concealing the true state of matters from us to allow us to trust to any except the test of efficiency, which hostile operations alone afford. We can choose our point of attack, and our enemy is, and must continue to be, reduced to a defensive position. Our resources are practically unlimited, while his must be growing scarcer and scarcer every day. Our commerce is free,—his is destroyed. Our people are free from all taint of disaffection, while among his ill-assorted dominions one portion of the people is in actual insurrection, and many others in a state of dangerous and chronic discontent. We have no servile war to fear,—no Poland, no Georgia, no Mingrelia, to watch and to guard. Grant that Prussia and Austria fall from our side, we have been able hitherto to carry on the war without them, and can do so still. There can be no greater mistake than to suppose that by putting an end to the war the Government would put an end to the burning discontent it has engendered. Past miscarriages we may forgive, but any attempt to screen them behind a ignominious treaty will infallibly produce a state of public feeling which would induce the nation to take effectual precautions against such miscarriages and such disgraces for the future.

I'M SITTING BY THE OLD FIRE-SIDE.

(From *Brother's Miscellany*.)  
I'm sitting by the old fire-side,  
With a fire that's a blaze;—  
When a son's little smile encargels me  
Upon her lap to climb;

And the fond look when she smiled,  
And the crystal glass in her sweet blue eye,  
When she beat her darling child.

I'm sitting by the old fire-side,  
Where I first drew my breath;

When a son's little smile encargels me  
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With regard to the sum proposed was voted, the torch would prove to be a perpetual Tom-Tough—a losing concern.

Mr. MURRAY repudiated the attempt of a small minority to control the opinions of the majority, and likened the proceeding to the conduct of the late City Council, which was famous for its grants and petty considerations.

Mr. COWPER said the brightest days of the Council were days when scenes were enacted such as those of that evening. He was of opinion if the principle involved was adopted the torch would cost the country no less than £20,000 during the next three years. He thought, considering the constitution of the House, that the majority were perfectly justified in the course they were taking.

Mr. MACKARTHUR could not conceive a course more derogatory to the House than that now taken, and he would ask the hon. member for the Sydney Harbour what advantage he thought could arise from it? The proper time for taking the evidence requested would be when the estimate for 1856 in reference to the subject was under consideration.

Mr. G. BOWMAN said: On the former occasion he voted against the motion, but now, as it was placed on a different basis, he should vote for the motion.

Dr. DOUGLASS thought his hon. friend opposite who had last spoken was one of those stray sheep.

Mr. G. BOWMAN defended the course he had taken.

The POSTMASTER-GENERAL said the principle was adopted by the House that gun-boats should be employed. We were now required to man two gun-boats. The purchase of the torch had nothing whatever to do with the matter before the House.

Mr. MORRIS was of opinion the majority were only contending for victory, whilst the minority were contending for a draw.

Mr. G. ALLEN said: The House had already had evidence placed before it by the hon. and gallant member who had addressed it.

Mr. MARTIN said, the question might be very much simplified if the hon. and gallant member for Gloucester would state, that the torch was suitable for a man-of-war, he would support the motion for her purchase.

Mr. KING remarked that he never said she was suitable for a man-of-war. (Loud cheers from the Opposition.) What he did say was, that she was suitable for all the requirements of the colony at the present time. (Loud cheers from the Government benches.)

Mr. CAMPBELL moved an adjournment for one quarter of an hour. The motion was being opposed, he called for a division, in which he was left in a minority of ten.

Mr. COWPER again urged that the vessel was unfit for the purposes of the colony, and contended the money ought not to be voted.

Mr. CAMPBELL, among other arguments in opposition to the purchase of the torch, remarked that she would be continually in need of repairs, and the consequence, in practice, would be that when she was wanted she would be out of the port. He did not think it was desirable we should pay £10,000 a year for a one-gun man-of-war, and that only a 30-pounder.

CAPTAIN KING said the torch might have a gun put in her, and be of some service. He considered she would be a very good bargain, and he hoped the colony would be out of her. He would vote for her rigging and manning too.

Mr. PARKES then addressed the House in opposition to the proposed vote. He said he was present at a public luncheon, at Waiverie Dry Dock, when it was generally stated, that tenders were issued for one of the gun-boats, the Spitfire, she was half-built. The tenders were called for a clove. He further advised the House that the Spitfire was a gun-boat.

Mr. MARTIN said he would wish to speak to the hon. and gallant member. He would ask him if he would stake his reputation upon an assertion to the effect that an iron boat was suitable for the purposes of a gun-boat.

Captain KING said his word had been so misinterpreted during this evening that he would say nothing on that subject.

The remainder was then put and negatived by a majority of 25 to 9.

Mr. MARTIN said, as the hon. and gallant member had refused to answer his query, he would move the following resolution: "That it is the opinion of this committee that no iron vessel is suitable for the purposes of a gun-boat."

A division ensued, in which Mr. Donaldson was followed by Mr. Campbell. Mr. Nichols was carried on the discussion for some time, when Mr. Martin again asked for an instance of an iron gun-boat being used in the navy for a fighting boat at the present time?

THE COLONIAL SECRETARY laid on the table the following paper:

1. The return to the Address in reference to the proposed moorings for the port of Newcastle, adopted, on motion of Mr. Flood, on the 17th ultimo.

2. The return to the Address in reference to the management of the public roads, adopted, on motion of Mr. Bligh, on the 20th inst. last.

3. Observations of the superintendence of the Lunatic Asylum at Tarban Creek, proposed to be appended to the report of the late commission on that institution. Ordered to be printed.

4. Letter from the Government Resident at Brisbane, dated 13th July, 1855, suggesting the prohibition of wood in the construction of chimneys. Referred to the select committee of the Public Health Bill.

PETITIONS.

Mr. NICHOLS presented a petition from certain wheelwrights and blacksmiths of Sydney, representing that the 8th section of this bill would materially injure their business, and praying relief. Petition received.

Mr. CAMPBELL presented a petition signed by 1300 persons, two-thirds of whom were heads of families, and all of whom represented a population of about 6000, praying for an increase to ecclesiastical burdens. Petition received.

Mr. DONALDSON presented a petition from certain proprietors of steam vessels, praying that this bill may be referred to a select committee. Petition received.

Mr. CAMPBELL presented a petition signed by 1300 persons, two-thirds of whom were heads of families, and all of whom represented a population of about 6000, praying for an increase to ecclesiastical burdens. Petition received.

The remainder of the business was postponed.

The House adjourned at five minutes past three till Tuesday next.

The amendment was then put and negatived, by a majority of 24 to 8.

On the original motion being put,

Mr. PARKES moved "That this Committee declines to vote any money for the purchase of the torch, or the torch steamer until an enquiry is made by competent persons into the fitness of that vessel for the purpose of a gun-boat." A discussion ensued upon this amendment.

It was supported by Mr. CAMPBELL, and opposed by the AUDITOR-GENERAL.

The amendment was put and negatived by a majority of 24 to 8, the following hon. members being in the minority: Mr. Nichols, Mr. Martin, Mr. Cowper, Mr. Martin, Mr. Donaldson, Mr. Parkes, Mr. G. Bowden, and Mr. Campbell.

Mr. COWPER said, having fought the battle till past three o'clock, he thought they might fairly surrender. (Hear, hear.) But they would not do it even now, was not one of their number in such a state that they did not care for any more?

He had, however, recorded his name in the last division, and no doubt he would consider that an honour: and they should all retire feeling conscious that they had not disgraced the Council, and feeling that they had done their duty.

Mr. MARTIN said there had been times when the Government would not have acted so imprudent as they had done on this present occasion, and he would call upon honourable members opposite to take into their consideration the character of the divisions which had taken place, the perseverance with which the opposition had maintained their ground, and to consider what its result would be during the remainder of the session.

The original motion was put, and the House divided with the following result:—

Mr. Donaldson, Mr. Cooper, Mr. Newman, Mr. Martin, Mr. Parry, Mr. Campbell, Mr. Cooper, Mr. G. Bowden, and Mr. Campbell.

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He had, however, recorded his name in the last division, and no doubt he would consider that an honour: and they should all retire feeling conscious that they had not disgraced the Council, and feeling that they had done their duty.

Mr. MARTIN said there had been times when the Government would not have acted so imprudent as they had done on this present occasion, and he would call upon honourable members opposite to take into their consideration the character of the divisions which had taken place, the perseverance with which the opposition had maintained their ground, and to consider what its result would be during the remainder of the session.

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